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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,401	02/10/2004	William J. Schonlau	SCHONL-42855	2387
26252 7590 10/31/2007 KELLY LOWRY & KELLEY, LLP 6320 CANOGA AVENUE SUITE 1650 WOODLAND HILLS, CA 91367			EXAMINER OSORIO, RICARDO	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 10/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/776,401

Applicant(s)

SCHONLAU, WILLIAM J.

Examiner

RICARDO L. OSORIO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 August 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 11, 12 and 19-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 13, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 2-10, and 14-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Election/Restrictions***

1. Applicant's election without traverse of species of Figs. 1-13, claims 1-10 and 13-18 in the reply filed on 8/8/2007 is acknowledged.
2. Claims 11 and 12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Claims 19-31 had been previously withdrawn from further consideration. Therefore, claims 11, 12 and 19-31 are now withdrawn.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Solomon (2004/0130783).

Regarding claim 1, Solomon discloses a personal viewer system, comprising an electronic image source (Fig. A4, character A90); an optical generator adapted to receive an electronic signal from the electronic image source and convert the signal into a light-based optical image (Fig. A4, character A110); and a head-mounted display including means for receiving the optical image (Fig. A2, character A10), at least one ellipsoid reflector positionable in front of an

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eye of a user (Fig. A6, character A200, Fig. 24, character 2410, and paragraph 132), and means for scanning the image onto the at least one ellipsoid reflector such that the image is reflected into the eye of the use (Fig. A4, character A120, and paragraphs 73 and 137).

As to claim 13, Solomon teaches of the image scanning means comprises a mirror assembly for scanning the optical image onto the at least one ellipsoidal reflector (see paragraphs 73 and 137).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon (see above) in view of Tanijiri et al (6,266,194).

As to claim 17, Solomon does not specifically teach of the at least one ellipsoidal reflector has an inner surface that is partially reflective so as to permit viewing therethrough.

Tanijiri discloses that at least one ellipsoidal reflector has an inner surface that is partially reflective so as to permit viewing therethrough (col. 3, lines 37-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the partially reflective reflector, as taught by Tanijiri, in the device of Solomon so the viewer views the picture through the eyepiece (col. 2, lines 46-47).

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon (see above) in view of Tabata et al.(5,936,663).

As to claim 18, Solomon does not precisely disclose a motion orientation sensor in communication with the signal generator or image source for altering the generated image as the user's head is moved.

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Tabata discloses a motion orientation sensor in communication with the signal generator or image source for altering the generated image as the user's head is moved (col. 10, lines 58-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the motion sensor, as taught by Tabata, in the device of Solomon so that movement of the head of the user does not affect viewing of the image.

*Allowable Subject Matter*

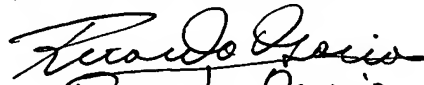
8. Claims 2-10 and 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICARDO L. OSORIO whose telephone number is (571) 272-7676. The examiner can normally be reached on MONDAY-THURSDAY 7:00 am-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BIPIN SHALWALA can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Ricardo Osorio  
PRIMARY EXAMINER  
Technology Division: 2629

RLO

October 29, 2007